



DEPARTMENT OF THE NAVY

COMMANDER
NAVY REGION, MID-ATLANTIC
6506 HAMPTON BLVD.
NORFOLK, VA 23508-1273

IN REPLY REFER TO:
COMNAVREGMIDLANT
INST 5800.7
Code 00L
28 FEB 2001

COMNAVREG MIDLANT INSTRUCTION 5800.7

Subj: VICTIM AND WITNESS ASSISTANCE PROGRAM (VWAP)
IMPLEMENTATION AND REQUIREMENTS

Ref: (a) DOD Directive 1030.1
(b) DODINST 1030.2
(c) SECNAVINST 5800.11 (Series)
(d) OPNAVINST 5800.7 (Series)
(e) Manual for Courts-Martial, United States, 2000
(f) SECNAVINST 1752.3 (Series)
(g) OPNAVINST 1752.1 (Series)

Encl: (1) Definitions

1. Purpose. The purpose of this instruction is to carry out references (a) through (d) by setting forth guidelines for the implementation of the Victim and Witness Assistance Program (VWAP) in the Mid-Atlantic Region. It seeks to assist those victims and witnesses who have suffered from the criminal actions of a Navy service member serving in the Mid-Atlantic Region, and to assist all individuals working within the Department of the Navy in the Mid-Atlantic region who themselves have been a victim of or witness to another's criminal actions.

2. Cancellation. COMNAVBASENORVAINST 5800.7.

3. Background. Seeking to address the needs of victims and witnesses of crime, Congress enacted a series of laws establishing certain rights for victims and witnesses of crime. References (a) through (d) execute these laws within the military, and incorporate them during legal proceedings pursuant to reference (e).

4. Applicability. Pursuant to reference (d), this instruction applies to all naval activities (except Marine units) within the Mid-Atlantic Region which do not report to a type commander.

5. Policy. The Department of the Navy (DON) shall treat all

98 FEB 2001

victims and witnesses of crime with dignity and respect. This includes educating them on their federal rights as victims and witnesses of crime. Particular attention will be given to victims of serious violent crimes, including child abuse, domestic violence and sexual misconduct. References (f) and (g) provide additional guidance and specific programs for victims and witnesses of domestic abuse and sexual assault. This instruction is not intended to and does not create any cause of action, entitlement, or defense in favor of any person arising out of failure to comply with the mandates of this instruction. The initial point of contact for VWAP issues should normally be the command VWAP Coordinator.

a. Assistance to victims and witnesses of crimes committed by Navy service members. Victims and witnesses of crimes committed by Navy service members, regardless of whether the victim or witness is affiliated in any way with the military or federal government, shall be informed of their rights and provided appropriate information, referrals, and services through final disposition of the perpetrator's case by the Navy. While assistance is certainly available where the perpetrator is punished at court-martial or nonjudicial punishment pursuant to reference (e), victims and witnesses shall also be eligible to receive assistance in cases where the perpetrator is processed for administrative separation or where no judicial or administrative action is taken at all. Where the facts indicate to the perpetrator's command that the individual is a victim or witness of crime as defined in enclosure (1) of this instruction, then victim and/or witness rights shall be provided.

b. Assistance to military service members and their dependents. Service members, DON civilians, and their dependents who are victims and/or witnesses of crimes slated for resolution in a civilian forum should also be made aware of local civilian programs whose function is to assist them recover from the effects of crime. Even where the perpetrator cannot be found, is acquitted of the offense, or otherwise does not face adverse judicial or administrative action, the victim or witness may still be eligible to receive services, including compensation.

6. Responsibilities

a. Staff Judge Advocate, Commander, Navy Region, Mid-Atlantic (COMNAVREG MIDLANT)

(1) Shall serve as the Victim and Witness Liaison

28 FEB 2001

Officer (VWLO) for the Mid-Atlantic Region.

(2) Shall serve as chairman of the Victim and Witness Assistance Council (Council), promulgating its agenda and meeting times, and ensure that the Council meets at least once per calendar year. Enclosure (1) sets out the composition of the Council.

(3) Shall establish a regional VWAP which accomplishes the goals set forth in references (a) through (d). This includes assistance to VWAP coordinators from subordinate commands in carrying out the responsibilities set forth in references (a) through (d).

(4) Shall ensure training of command VWAP coordinators representatives a minimum of once per calendar year.

(5) Shall maintain a database of commands VWAP coordinators from commands that report to COMNAVREG MIDLANT for VWAP purposes.

(6) Maintain accurate information on local military and civilian resources serving victims and witnesses of crime.

(7) No later than 15 February of the current year, prepare DD Form 2706 for submission to the Chief of Naval Personnel (PERS-06L) covering the period 1 January through 31 December of the previous year.

(8) Maintain close liaison with VWAP counterparts at the type commanders, to include inviting them to Council meetings.

b. Commanding Officers

(1) Shall appoint a command Victim and Witness Assistance Program Coordinator in writing. This individual should be in pay grade E-5 or above (or civilian equivalent) where possible. The command VWAP Coordinator is the command's primary point of contact in the area of victim and witness assistance.

(2) Shall ensure that the VWLO has the following information regarding the command VWAP Coordinator:

(a) Name

28 FEB 2001

(b) Current phone number

(c) Current work address

(d) Current e-mail address

(3) Shall carry out an effective command VWAP in accordance with references (a) through (d) and this instruction. It is specifically directed that VWAP services are provided in cases adjudicated at nonjudicial punishment, summary court-martial, or administrative separation.

(4) Shall maintain an accurate database of local military and civilian resources serving victims and witnesses of crime.

(5) Shall maintain records of DD Form 2701's issued to victims and witnesses of crime at the command, and, as directed by COMNAVREG MIDLANT, provide an annual report to COMNAVREG MIDLANT on the number of such forms provided to individuals at the command during the previous calendar year (i.e. 1 January through 31 December). These forms should be kept for a period of at least two years.

(6) Shall ensure that DON employees and service members reporting for permanent change of station (PCS) orders to the command are apprised of the VWAP program.

(7) Shall ensure that VWAP is incorporated in the command's training program, and/or ensure that VWAP training is conducted at the command at least once a year.

c. Trial Service Office

(1) In cases where the perpetrator's case is being adjudicated at a special or general court-martial, shall ensure that victims and witnesses in such cases be apprised of all of their rights pursuant to references (a) through (d).

(2) Shall maintain records of DD Forms 2701, 2702 and 2703 issued to victims and witnesses of crime who are involved in cases being adjudicated at special or general courts-martial, and, as directed by COMNAVREG MIDLANT, provide an annual report to COMNAVREG MIDLANT on the number of such forms provided to individuals during the previous calendar year (i.e. 1 January through 31 December).

28 FEB 2001

(3) Shall maintain an accurate database of local military and civilian resources serving victims and witnesses of crime.

(4) Shall stand ready to provide command services involving VWAP issues.

d. Naval Brig Norfolk

(1) Shall maintain records of DD Forms 2704 and 2705 issued to victims and witnesses of crime in cases where the perpetrator has been incarcerated at Naval Brig Norfolk, and, as directed by COMNAVREG MIDLANT, provide an annual report to COMNAVREG MIDLANT on the number of such forms provided to individuals during the previous calendar year (i.e. 1 January through 31 December).

(2) In cases where the perpetrator is incarcerated at Naval Brig Norfolk, shall ensure that victims and witnesses in such cases be apprised of all of their rights pursuant to references (a) through (d).

e. Family Advocacy Program (FAP)

(1) Shall ensure that Victim Service Specialists (VSS) and all FAP Clinical Staff apprise individuals receiving services from FAP of victim and witness rights.

(2) Shall maintain information on local military and civilian resources which assist victims and witnesses of crime.

(3) Shall ensure that all FAP staff members receive annual training from the VWAP Coordinator on the Victim Witness Program to include program updates and changes.

f. Fleet and Family Support Center (FFSC). Shall provide available services to victims and witnesses and provide community-based services where appropriate.

g. Program Manager for Public Safety


(1) Shall ensure that all personnel, both military and civilian, that work under the authority of the Program Manager for Public Safety in a law enforcement capacity effectively provide rights to those individuals who in the course of law enforcement investigations are found to be victims and witnesses of crime by providing those persons with a DD Form 2701.

COMNAVREGMIDLANTINST 5800.7

28 FEB 2001

(2) Shall maintain an accurate database of local military and civilian resources serving victims and witnesses of crime.

(3) Shall maintain records of DD Form 2701's issued to victims and witnesses of crime in the course of law enforcement investigations, and, as directed by COMNAVREG MIDLANT, provide an annual report to COMNAVREG MIDLANT on the number of such forms provided to individuals at the command during the previous calendar year (i.e. 1 January through 31 December). These forms should be kept for a period of at least two years.



S. E. BARKER
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COMNAVREGMIDLANTINST 5800.7

28 FEB 2001

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DEFINITIONS

1. Victim. A person who has suffered direct physical, emotional, or pecuniary harm as the result of the commission of a crime in violation of the Uniform Code of Military Justice, (or the violation of laws of another jurisdiction if any portion of the investigation is conducted primarily by DOD). These individuals include, but are not limited to:

a. Military members and their family members.

b. Any individual who has been victimized by a Navy service member stationed at a command who reports to COMNAVREG MIDLANT for VWAP purposes, and whose misconduct is to be adjudicated through the military justice system or administrative separation.

c. When a victim is under 18 years of age, incompetent, incapacitated, or deceased, the term includes one of the following (in order of precedence): spouse, a legal guardian, parent, child, sibling, another family member, or another person designated by the court, or Component responsible official (as defined under reference (d)) or designee.

d. A perpetrator or accomplice can never be a "victim" under this instruction, even if the individual is one of the representatives described above.

e. For victims which are institutional entities (such as companies or partnerships), an authorized representative of the entity. Federal Departments and State and local agencies, as entities, are not eligible for services available to individual victims.

2. Witness. A person who has information or evidence about a crime, and provides that knowledge to a DOD Component about an offense in the investigative jurisdiction of a DOD Component. When a witness is under 18 years of age, the term includes a family member. The term witness does not include a defense witness or an individual involved in the crime as a perpetrator or accomplice.

3. Victim and Witness Liaison Officer (VWLO). COMNAVREG MIDLANT's primary advisor on victim and witness issues. This

Enclosure (1)

28 FEB 2001

individual also serves as the regional VWAP coordinator. In this capacity, the VWLO shall carry out responsibilities set forth in references (e) and (f), including serving as chairperson of the local Victim and Witness Assistance Council (VWAC).

4. Victim and Witness Assistance Council (Council). A multi-disciplinary policy group composed of representatives from disciplines likely to have contact with victims and witnesses of crime. It shall be composed of representatives from the following:

- (1) Commander, Navy Region, Mid-Atlantic
- (2) Naval Station Norfolk
- (3) Naval Air Station, Oceana
- (4) Naval Amphibious Base, Little Creek
- (5) Naval Weapons Station, Yorktown
- (6) Naval Medical Center, Portsmouth
- (7) Naval Support Activity, Norfolk
- (8) Naval Brig, Norfolk
- (9) Naval Legal Service Office, Mid-Atlantic (Legal Assistance Department)
- (10) Trial Service Office, East
- (11) Fleet and Family Support Center Norfolk
- (12) Naval Criminal Investigative Service Field Office, Norfolk
- (13) Regional Program Manager for Public Safety
- (14) Chaplain, Navy Region, Mid-Atlantic

The purpose of this multi-disciplinary Council is to coordinate the development of policy recommendations and the implementation of the VWAP in the Mid-Atlantic Region. The Council shall meet at least once per year, as determined by the VWLO, and will provide a forum for the exchange of information in assisting and advocating for victims and witnesses of crime. It is strongly encouraged to invite at least one representative from the civilian community to join the VWAC each time it meets. In addition, invitations shall also be sent to the VWAP representatives at the type commanders, to enable a common VWAP policy for both administrative and operational units.